



Last Updated: 03/09/2022

## **Update on Tamper-Resistant Prescription Pad Requirements Effective April 1, 2008 and National Provider Identifier (NPI) Compliance for Pharmacy Claims Processing Effective May 23, 2008**

The purpose of this memorandum is to inform you that Congress enacted a new law that mandates the use of tamper-resistant prescription pads for most outpatient prescriptions written for fee-for-service FAMIS and Medicaid enrollees. The mandate becomes effective April 1, 2008. This memorandum also reminds you that mandatory compliance for the use of National Provider Identification (NPI) becomes effective May 23, 2008.

### **Tamper-Resistant Prescription Pads**

In 2007, Congress enacted Section 7002 (b) of the U.S. Troop Readiness, Veterans' Health Care, Katrina Recovery and Iraq Accountability Appropriations Act (P.L. 110-28), which mandates that federal reimbursement be denied to states for Medicaid patients' outpatient prescriptions that are not written on tamper-resistant prescription pads/paper. **To comply with this federal mandate, the Virginia Medicaid and FAMIS Fee-For-Service Program will require the use of tamper-resistant pads/paper on all non-electronic, outpatient prescriptions (excluding e- prescribing, fax, or telephone), effective April 1, 2008.**

### **Affected Medicaid/FAMIS Clients**

For prescriptions written on or after April 1, 2008, the use of tamper-resistant prescription pads is mandated for the Medicaid, MEDALLION, FAMIS, and FAMIS



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Plus fee-for-service populations. Based on CMS guidance, the tamper-resistant pad requirement applies to all outpatient drugs, including over-the-counter drugs, whether Medicaid is the primary or secondary payor of the prescription. This includes prescriptions for “dual eligibles” where a

Medicare Part D plan is the primary payor and Virginia Medicaid is the secondary payor. While the law specifies the term “prescription pad”, the Centers for Medicare and Medicaid Services (CMS) have stated that these requirements also apply to computer-generated prescriptions that are printed using paper inserted into the printer.

## Exemptions to Requirement

According to CMS, the following are exemptions to the tamper-resistant prescription pad requirements:

- Prescriptions paid by a Medicaid/FAMIS managed care entity (*this means prescriptions written for patients enrolled in any of Virginia’s contracted managed care organizations*  
  
*-- Anthem, Virginia Premier, AmeriGroup, CareNet, and Optima -- are not subject to this requirement*);
- Prescriptions transmitted to the pharmacy via e-prescribing, fax, or telephone. **Faxing is the preferred method.** (*Please note, however, that Drug Enforcement Administration regulations require Schedule II controlled substances to be written prescriptions*); In addition, Guidance Document 110-35 from the Virginia Board of Pharmacy, <http://www.dhp.virginia.gov/Pharmacy/guidelines/110-35%20Requirements%20for%20prescriptions.doc>, provides further guidance on faxed and electronically transmitted prescriptions.);
- Drugs provided in nursing facilities, intermediate care facilities for the mentally retarded, and other specified institutional and clinical settings, as long as the patient never has the opportunity to handle the written prescription; and



# MEDICAID MEMO

- Refills of written prescriptions presented at a pharmacy before April 1, 2008.

## Key Implementation Issues

DMAS will take the following actions to ease the transition to tamper-resistant prescription pads:

- DMAS will provide payment for out-of-state prescriptions filled by Virginia pharmacists so long as the written prescription is on a tamper-resistant pad that meets at least one of the required characteristics listed below.
- DMAS will authorize payment for prescriptions that are filled when presented on a non-compliant prescription drug pad so long as the pharmacy receives a verbal, faxed, electronic or compliant written prescription within 72 hours after the date on which the prescription was filled. **Faxing is the preferred method.**

## What Qualifies As A Tamper-Resistant Prescription Pad?

Although this is a federal law, there is not a single national regulation. Each State Medicaid Agency must determine which tamper-resistant features will be required. Virginia Medicaid has reviewed the recommendations of the industry and of states that currently use tamper-resistant prescription pads/paper. Effective April 1, 2008, Virginia Medicaid will require that all

prescriptions pads/paper used for Medicaid and FAMIS fee-for-service recipients contain **at least one** of the following three characteristics:

1. One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form,



## MEDICAID MEMO

2. One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber, or
3. One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

By October 1, 2008, prescription pads/paper will be required to contain at least one feature in **all** of the three categories above. Virginia Medicaid encourages providers to implement all security features by April 1, 2008, if possible, to avoid wasting old pads/paper and having to reorder new pads/paper with the additional features prior to October 1, 2008. Providers who write prescriptions for Medicaid and FAMIS recipients should contact their vendor to secure an appropriate supply of prescription pads/paper that will meet the above requirements and begin to use these pads/paper prior to April 1, 2008. Orders may take up to four (4) weeks to process.

Attached is a summary of features that could be used on a tamper-resistant pad/paper in compliance with the CMS guidelines within the timeframe required. They are categorized according to the three types of tamper-proof features as described by CMS. Features in **bold** tend to be less costly and easier for physicians to implement than other features.

### **Additional Information**

A web page has been established on the DMAS web site to offer additional information on this mandate: <http://www.dmas.virginia.gov/pharm-news.htm>. The web page contains a link to CMS' Frequently Asked Questions concerning the tamper-resistant prescription pad mandate.

**Providers and recipients can also contact the First Health Services Clinical Call Center at 1-800-932-6648 (available 24 hours a day, seven days a week)**



## MEDICAID MEMO

with questions specifically regarding submission of appropriate prescriptions.

### **National Provider Identification (NPI) Mandatory Compliance**

Effective May 23, 2008, all Virginia Medicaid providers are required to share their NPI with DMAS and submit NPIs on all transactions. Pharmacy providers are responsible for obtaining and submitting prescribers' NPIs when processing pharmacy claims. As of December 2007, only 5% of Virginia Medicaid's pharmacy claims were submitted with the prescriber's NPI. As we approach the final NPI compliance date of May 23, 2008, it is critical that pharmacy providers begin to adopt this practice to ensure that claims payments are not denied.

**WE URGE PHARMACY PROVIDERS TO IMMEDIATELY BEGIN UTILIZING THEIR PROVIDER NPI AND SUBMITTING THE PRESCRIBER'S NPI ON ALL VIRGINIA MEDICAID PHARMACY CLAIMS. EFFECTIVE MAY 23, 2008, PHARMACY CLAIMS THAT DO NOT HAVE NPIs IN BOTH THE PHARMACY PROVIDER AND PRESCRIBER FIELDS WILL BE DENIED.**

There are several resources available to identify the appropriate NPI for prescribers:

- **CMS/ NPES Registry** - <https://npes.cms.hhs.gov/NPES/> (searchable database) OR <http://npesdata.cms.hhs.gov/> (to download file)
- **DMAS Prescriber Identification List** - [http://www.dmas.virginia.gov/pr-provider\\_no.asp?redir=pr-prescriber\\_id\\_list.htm](http://www.dmas.virginia.gov/pr-provider_no.asp?redir=pr-prescriber_id_list.htm)
- **Virginia Medicaid Pharmacy Clinical Call Center** - (800) 932-6648

When submitting real-time (Point-of-Sale) claims transactions, the 10-digit NPI for the Prescriber ID and Provider ID must be sent with the Qualifier '01'. Please see



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## MEDICAID MEMO

the following link for the NCPDP Companion Guide, which will provide instructions for submitting claims with the appropriate Qualifier:  
[https://virginia.fhsc.com/documents/NCPDP51\\_NPI-v12-20070606.pdf](https://virginia.fhsc.com/documents/NCPDP51_NPI-v12-20070606.pdf)

As a healthcare provider, you should have already obtained an NPI from NPPES (<https://nppes.cms.hhs.gov>), and enrolled your NPI with DMAS. **If you have not shared your NPI with DMAS, you should contact the First Health Provider Enrollment Unit (PEU) at 1- 888-829-5373 (toll free) for instructions.**

Contact the Virginia Medicaid Pharmacy Clinical Call Center at (800) 932-6648 or send an email message to [NPI@dmas.virginia.gov](mailto:NPI@dmas.virginia.gov) for further questions related to the use of NPI in pharmacy claims processing. Thank you for your immediate attention to this matter as we prepare for the termination of the dual use period (Utilization of NPI or Legacy Medicaid Provider Identification Number (PIN)) on May 23, 2008.